ACCESS HIGHWAYS FOR NATIONAL DEFENSE

SEPTEMBER 21 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. Holland, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 1956]

The Committee on Public Works, to whom was referred the bill (S. 1956) to amend section 12 of the Federal-Aid Highway Act of 1950 and sections 6 and 14 of the Defense Highway Act of 1941, and for other purposes, having considered the same, report favorably thereon with amendments, and recommend that the bill, as amended, do pass.

S. 1956 is an amendment to the provisions of the Federal-Aid Highway Act of 1950 and the Defense Highway Act of 1941 relating to the construction of access roads and other roads certified as essential to national defense. The Federal-Aid Highway Act of 1950 authorized an appropriation of \$10,000,000 for this purpose. Due to the speeding up of defense construction following the passage of that act, the \$10,000,000 authorization has been exhausted.

S. 1956 as introduced would authorize, in addition to previous authorizations, such sums as may be deemed necessary for the construction of access and defense roads certified as necessary for the defense effort. This also includes a provision making the sum of \$15,000,000 available for contract immediately upon passage of the act, and it also provides that not to exceed \$5,000,000 of the funds appropriated under this authorization may be used in areas certified by the Secretary of Defense as maneuver areas for such reconstruction, maintenance, and repair work as may be necessary to keep the roads therein which have been or may be used for training of the Armed Forces in suitable condition for such training purposes and for repairing the damage caused to such roads by the operations of men and equipment in such training. In the bill as introduced in the Senate there is also included the provision that the cost of such access or defense road projects may be paid in whole or in part with Federal funds appropriated for such purpose except that where any such project is on the Federal-aid primary system, no part of such cost shall be paid from the access roads authorizations.

Section 2 of S. 1956 modifies the existing law with respect to the acquisition of rights-of-way for access or defense road projects. These modifications are principally technical in character with the exception that the new language also provides for including in such acquisition of rights-of-way the control of access from adjoining lands to the defense or access road projects.

AMENDMENTS

The committee recommends that the bill be amended to place a limitation of \$45,000,000 on the authorization for appropriations for access roads and that the amount of the contract authorization be increased to \$20,000,000. These amendments are as follows:

On page 1, lines 8 and 9, strike out the words "such sums as may be deemed necessary for such purpose, to remain available until expended" and insert in lieu thereof the following: "the sum of \$45,000,000, to remain available for obligation until June 30, 1953".

On page 2, line 1: strike out the figure "\$15,000,000" and insert in

lieu thereof the figure "\$20,000,000".

The committee also recommends an amendment to the bill which would eliminate the prohibition against the use of access roads funds on certified access projects which are located on the Federal-aid primary system. The amendment is as follows:

On page 2, line 7: strike out the comma after the word "purpose"

and strike out the following words:

except that where any such project is on the Federal-aid primary system no part of such cost shall be paid from funds authorized or appropriated pursuant hereto.

In section 2, the committee recommends amendments eliminating language which would have permitted the Secretary of Commerce to acquire rights-of-way and proceed with access road projects without regard to the willingness of the States to agree and cooperate in such projects. The amendments are as follows:

On page 3, line 20, strike out the words, "or unwilling".

On page 3, lines 24 and 25, and on page 4, lines 1 through 3, strike out the following:

or if he shall determine for any other reason that it will be more feasible and practicable for such rights-of-way, lands, or interest in lands, including the control of access thereto from adjoining lands, to be acquired in the name of the United States.

GENERAL DISCUSSION

The committee held hearings on S. 1956 on August 29 and 31, 1951. Testimony and statements were received from representatives of the Department of Defense, Bureau of Public Roads, Atomic Energy Commission, Bureau of the Budget, Forest Service, and the Department of the Interior, from several Members of Congress, and from several State highway officials, including the president of the American Association of State Highway Officials. The testimony showed that there is need for additional authorizations for access and defense roads, since existing authorizations for such purposes have been fully committed and there are pending many additional projects which have been certified as essential to the defense effort but are now held up by lack of congressional authorization.

It was pointed out that although the program of access roads constructed during World War II is still of great importance and use during the present defense effort, nevertheless, there have been so many advances in weapons and other defense materials that additional defense production has made necessary the provision of a further material program of access roads. New industries have come into being the runways for modern aircraft have had to be extended, firing ranges have to be lengthened, and enormous areas have to be reserved for experimental work and testing. All of these things, together with the generation of additional traffic in the already established production areas, have made it necessary that additional roads be provided quickly. There was no opposition expressed at the hearings to the proposed access-road program.

Witnesses from the Federal agencies charged with responsibility of administering the access-road program gave estimates of the immediate requirements for access-road authorizations which totaled about \$30,000,000. In addition, they estimated that further projects would be determined to be necessary within the next few months in the amount of about \$15,000,000, resulting in a total requirement, insofar as may be determined at the present time, of about \$45,000,000. The committee recognizes that these estimates are subject to considerable variation, as the needs fluctuate with changing conditions of the

defense effort.

The bill as introduced does not impose any monetary limitation on the authorization for appropriations. The committee believes that it would not be consistent with prudent legislative practice to provide an unlimited authorization under the existing circumstances. It has therefore placed in the bill a limitation of \$45,000,000 which is in substantial agreement with the estimates of the Federal agencies. If unforeseeable emergencies should arise which would require additional authorizations, the committee will give prompt consideration to them when the need becomes imminent. With respect to the contract authorization, for which an amount of \$15,000,000 is provided in the bill as introduced, the committee feels that this amount will not be adequate for speedy prosecution of the program. In order that there may be no delay in this important part of the defense program, the committee believes that the contract authorization should be increased to \$20,000,000, and it so recommends.

The committee received many protests concerning the prohibition against the use of access-road funds on roads included in the Federal-aid primary system. It was pointed out that in some cases construction of defense facilities such as airports, military and naval reservations, and defense industry sites, required the closure of existing Federal-aid highways and the relocation thereof at considerable cost.

In such instances it was claimed, and the committee agrees with this claim, that the interest and responsibility for such relocations is largely a defense matter and properly chargeable as a Federal cost. The committee feels that the procedure followed during World War II has provided for fair and equitable treatment of the problems of division of cost between the States and the Federal Government on access roads. That procedure permitted the Commissioner of Public Roads to negotiate with the State road officials and to determine the division of cost between the State and Federal Governments. In some cases, participation as high as 50 percent by the State Government

was obtained, while in other cases it was found equitable to increase the Federal share to as much as 100 percent under exceptional circumstances. The over-all average proportions of Federal-State participation for the World War II program were about 76 percent Federal and 24 percent local. The committee believes that if such a procedure is not followed for the current access-road program, there will be a considerable delay in prosecuting urgently needed projects, and it believes that such delays cannot be tolerated in our present defense effort. The committee has therefore recommended an amendment to eliminate this prohibition against the use of access road funds on Federal-aid primary roads. In the administration of this program, however, the committee expects the Commissioner to undertake the negotiations with the State officials in such manner that the over-all average division of cost will not exceed the proportions of 76 percent Federal and 24 percent local, as experienced in World War II.

Section 2 of S. 1956 provides for certain technical amendments to existing language pertaining to the acquisition of rights-of-way. Included in these amendments is one which would permit the control of access from adjoining lands to the access-road projects. The Commissioner of Public Roads testified that this was a necessary feature in order to protect the usage of the roads for traffic required in the defense effort and to prevent the encroachment of undesirable roadside developments which would impede the flow of traffic and result in a considerable loss of the effectiveness of the road as designed to best satisfy defense needs at the lowest possible cost. The com-

mittee fully concurs in this amendment.

Other new language contained in section 2 of S. 1956, as introduced. would give the Secretary of Commerce power to acquire rights-of-way and proceed with access-road projects when the State is unwilling to do so, or when the Secretary determines for any other reason that it will be more feasible and practicable for the Federal Government to do so. The committee believes that such power could operate to infringe unjustly upon the rights and prerogatives of the States relating to the planning and development of their highway programs, and that the necessary access roads can be built without resorting to such power since adequate provisions have been included to take care of cases where the States might be unable to proceed with sufficient promptness. The committee has therefore stricken out this language.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, there is printed below in one column, in roman, existing law, and in the opposite column, in italics, the committee matter proposed by the bill to replace existing law:

EXISTING LAW

NEW LANGUAGE

SECTION 6, DEFENSE HIGHWAY ACT OF 1941

Sec. 6. Access Roads.—The Commissioner of Public Roads is authorized to provide for the construction and improvement of access roads (including bridges, tubes, and tunnels thereon) to military and naval reservations, to de-tional rights-of-way necessary for such fense industries and defense-industry projects, including the control of access sites, and to the sources of raw materials thereto from adjoining lands, may be inwhen such roads are certified to the cluded to the extent determined by the Federal Works Administrator as important to the national defense by the struction of such Secretary of War or the Secretary of funds shall be avon the Navy, and for replacing existing such acquisition." highways and highway connections that are shut off from general public use by necessary closures or restrictions at military and naval reservations and defense-industry sites. The acquisition of new or additional rights-of-way necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such projects and Federal funds shall be available to pay the cost of such acquisition. For carrying out the purpose of this section there is hereby authorized to be appro-priated during the continuance of the emergency declared by the President on May 27, 1941, the sum of \$150,-000,000, which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost thereof: Provided, however, That in determining the expenditure of the funds under this section due consideration shall be given to projects for such roads in States which have heretofore expended their own funds for the immediate construction of roads and highways deemed essential to the national defense, which roads and highways but for the action of such States would be properly considered for construction with Federal funds under the provisions of this section.

SECTION 14, DEFENSE HIGHWAY ACT OF 1941

SEC. 14. ACQUISITION OF RIGHTS-OF-WAY.—By agreement with the State way department of any State such new or highway department of any State, such additional rights-of-way, lands, or interest new or additional rights-of-way, lands, or interests in lands in such State as may be required for any project authorized by this Act, may be acquired by such highway department or by any political subdivision of such State, and the Commissioner of Public Roads may advance or reimburse the share of the tion, reconstruction, maintenance, or recost of such acquisition payable by the pair of any such project may be undercost of such acquisition payable by the Federal Government: Provided, how-

SEC. 2. (a) Section 6 of the Defense Highway Act of 1941, as amended, is hereby further amended to provide that the second sentence thereof shall read as follows: "The acquisition of new or addi-Secretary of Commerce as part of the con-struction of such projects and Federal funds shall be available to pay the cost of

(b) Section 14 of said Act is hereby

amended to read as follows:

"SEC. 14. By agreement with the highin lands, including the control of access thereto from adjoining lands, as may be required for any project in such State authorized by section 6 of this Act, as amended, may be acquired by such highway department or by any political sub-division of such State, and the constructaken by such highway department, and

EXISTING LAW

NEW LANGUAGE

ever, That if the Federal Works Admin- the Commissioner of Public Roads may istrator shall determine that the highway advance or reimburse the share of the cost department of any State is unable to of such rights-of-way and the cost of the obtain possession and the right to enter construction, reconstruction, maintenance, upon and use the required rights-of-way, lands, or interests in lands, improved or unimproved, with sufficient promptness, the Federal Works Administrator is authorized to acquire, prior to approval of title by the Attorney General, in the name of the United States, such rightsof-way, lands, or interests in lands as adjoining lands, or to obtain possession may be required in such State for such and the right to enter upon and use the projects, by purchase, donation, con-same with sufficient promptness, he is demnation, or otherwise, in accordance authorized to acquire the same by purwith the laws of the United States (including the Act of February 26, 1931, wise, in accordance with the laws of the 46 Stat. 1421) and, during the continuunited States (including the Act of Februare of the emergency declared by the ruary 26, 1931, 46 Stat. 1421), and,
President on May 27, 1941, may enter during the continuance of the emergencies upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of sections 355, 1136, and 3709 of the Revised Statutes, as amended, and without regard to State, municipal, or local laws, ordinances, or regulations).
The costs incurred by the Federal Works Administrator in acquiring any such rights-of-way, lands, or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost, or the Federal share of the cost, of the project for which such rights-of-way, lands, or interests in lands are acquired.
The Federal Works Administrator is further authorized and directed, by proper deed executed in the name of the United States, to convey any lands or interest in lands acquired in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon condition that such highway department or political subdivisions will accept the same and will maintain the project constructed thereon.

or repair of such project, payable by the Federal Government: Provided, however, That if the Secretary of Commerce shall find that the highway department of any State is unable to acquire the required rights-of-way, lands, or interests in lands, including the control of access thereto from chase, donation, condemnation, or otherdeclared by the President on May 27, 1941, and December 16, 1950, may enter upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of secs. 355, 1136, and 3709 of the Revised Statutes, as amended, and without regard to State, municipal, or local laws, ordinances, or regulations). The costs incurred by the Secretary of Commerce in acquiring any such rights-of-way, lands, or interests in lands, including the control of access thereto from adjoining lands, may include the cost of examination and abstract of title, certificate of title, adver-tising, and any fees or other necessary costs incidental to such acquisition, and the Federal share thereof shall be payable out of the funds available for paying the cost of the project for which such rights-of-way, lands, or interests in lands, in-cluding the control of access thereto from adjoining lands, are acquired. The Secretary of Commerce is further authorized and directed when he shall determine that such action will be in the public interest, to convey any lands or interest in lands, including the control of access thereto from adjoining lands, acquired by him in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon such conditions as may be agreed upon by the Secretary of Commerce and such highway department or political subdivision providing for the acceptance of same and for the maintenance, preservation, and use of the project as constructed thereon.